

Hearing Date and Time: September 27, 2007 at 10:00 a.m.
Response Date and Time: September 20, 2007 at 4:00 p.m.

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re)	
)	Chapter 11
DELPHI CORPORATION, <i>et al.</i>,)	
)	Case Nos. 05-44481 (RDD)
Debtors.)	
)	Jointly Administered
)	

**RESPONSE OF EXXONMOBIL OIL CORPORATION TO DEBTORS'
TWENTIETH OMNIBUS OBJECTION TO CLAIMS**

ExxonMobil Oil Corporation (“ExxonMobil”), by and through its undersigned counsel, responds to the Debtors’ Twentieth Omnibus Objection Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr.P. 3007 to Certain (A) Duplicate and Amended Claims, (B) Insufficiently Documented Claims, (C) Claims not Reflected on Debtors’ Books and Records, (D) Untimely Claims, and (E) Claims Subject to Modification, Tax Claims Subject to Modification, Modified Claims Asserting Reclamation, Consensually Modified and Reduced Tort Claims and Lift Stay Procedures Claims Subject to Modification (the “Objection”). ExxonMobil’s claim is designated in Exhibit E to the Objection as a claim allegedly subject to modification. The Debtors seek to modify and reduce ExxonMobil’s claim from the filed amount of \$192,937.77 to an unsecured claim in the amount of \$7,352.96. In response to the Objection, ExxonMobil states:

1. The Debtors commenced these Chapter 11 cases on October 8, 2005 (the “Petition Date”).

2. Prior to the Petition Date, ExxonMobil sold and delivered goods (the “Goods”) on credit to the Debtors. The indebtedness owed by the Debtors for the Goods as of the Petition Date was \$192,937.77 (the “Indebtedness”).

3. On or about June 1, 2006, ExxonMobil filed a timely proof of claim, designated as Claim No. 7247, asserting a claim in the total amount of the Indebtedness. Attached to the proof of claim were copies all purchase orders, delivery documents, bills of lading, invoices, debit memos, remittance advices, statements and other documentation supporting and evidencing the Indebtedness.

ARGUMENT

4. A proof of claim executed and filed according to the requirements of Bankruptcy Rule 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. Fed.R.Bankr.P. 3001(f). “The interposition of an objection does not deprive the proof of claim of presumptive validity unless the objection is supported by *substantial evidence*.” In re Hemingway Transport, Inc., 993 F.2d 915, 925 (1st Cir.1993).

5. Rule 3001(a) requires that the proof of claim be a written statement setting forth a creditor’s claim, in a form substantially conforming to the appropriate Official Form. Rule 3001(c) requires that a claim based on a writing include a copy of the writing thereto.

6. Claim No. 7247 substantially conforms to the Official Form, is signed by a representative of ExxonMobil, and sets forth the exact dollar amount owed as of the Petition Date. Invoices and other supporting documentation upon which the claim is based are attached thereto.

7. Having satisfied the requirements of Bankruptcy Rule 3001, Claim No. 7247 constitutes *prima facie* evidence of the validity and amount of the claim.

8. The Debtors have provided no evidence, let alone substantial evidence, to support the Objection; therefore, the Objection should be overruled and ExxonMobil's claim should be allowed as filed.

9. Any reply by the Debtors to this Response should be delivered to the undersigned counsel for ExxonMobil. The following person has ultimate authority to reconcile, settle or otherwise resolve Claim No. 7247 on behalf of ExxonMobil:

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WHEREFORE, ExxonMobil Oil Corporation respectfully requests that the Court overrule the Objection, allow Claim No. 7247 in the amount of \$192,937.77, and grant all other proper relief.

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